

City of Gary GW ordinance 7

☒ COPY

UNITED STATES OF AMERICA



Certificate

STATE OF INDIANA. COUNTY OF LAKE, ss:

I, **SUZETTE RAGGS**, Clerk of the City Court of the City of Gary, Lake County, Indiana hereby certify that the attached and foregoing is a full, true, complete and correct copy of **COUNCIL PENDING ORDINANCE 2006-56/7930** ENTITLED, "AMENDED GROUND WATER ORDINANCE RESTRICTING USAGE." SPONSORED BY: **MAYOR RUDOLPH CLAY, CITY OF GARY AND THE GARY COMMON COUNCIL**

the original of which is now on file in the office of the Clerk of the City Court of the City of Gary, Lake County, Indiana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Court of the City of Gary, Lake County, Indiana, this
27th day of September, 20 07

SUZETTE RAGGS
Clerk of the City Court of
the City of Gary, Lake County, Indiana

By

Heather Allen

Deputy

COUNCIL PENDING ORDINANCE 2006- 56

ORDINANCE NO. 7930

AS AMENDED July 03, 2006

CERTIFICATION DATE _____

CERTIFIED BY _____

FAVORABLY _____

UNFAVORABLY _____

*Amended
Title of Ordinance
Only*

AMENDED GROUND WATER ORDINANCE RESTRICTING USAGE

WHEREAS, it has been generally recommended by the Indiana Department of Environmental Management, pursuant to the rules established for the remediation of, and protection from, contamination from ground water pollutants that the use of water from the wells should be restricted; and

WHEREAS, to protect public health by limiting exposure to and consumption of potentially contaminated ground water, an overall extension of the City of Gary's piped water system is proposed as the optimal method for displacing and substituting ground water; and

WHEREAS, it has been determined and found by the City of Gary that it is in the power and best interest of the City and the public that it serves to adopt regulations and restrictions on the use of water from the ground water wells; and

WHEREAS, because ground water drawn from a shallow unconsolidated aquifer is prone to contamination from releases occurring from spills, or other operations;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Gary, Indiana, as follows:

Section 1. DEFINITIONS

(a) The definitions and terms contemplated by this Ordinance include, but are not limited, to those contained in IC 25-39-2, 312 IAC 12-1, and 312 IAC 13-1 and apply throughout this Ordinance. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Ground Water: is any water in natural state below the surface of the ground.

Section 2. No New Potable Water Supply Wells:

- (a) No Person shall drill a well intended to be used as a source of potable water.

Section 3. Existing Potable Water Supply Wells:

- (a) If piped water is available, property owners must disconnect from their private wells and connect to the City's piped water supply system within one year of this ordinance.
- (b) In specific instances, cases, or situations wherein compliance with Section 2 (a) is not possible, feasible or impracticable, any and all existing potable water, where drawn from the ground, must be drawn solely from a source located in the deeper confined aquifer and not from a shallow unconsolidated aquifer;
- (c) All existing potable wells must be registered with the Building Department of the City of Gary.
- (d) All existing potable wells shall be tested and meet the drinking water standards to be operated for potable use.
- (e) No Person shall co-mingle well water with water supplied through the piped water supply system.

Section 4. Non-Potable Water Supply Wells:

- (a) No person shall drill a well intended as a source of water for any non-potable use without having first registering with the Building Department of the City of Gary.
- (b) All wells shall be drilled and/or abandoned by licensed well drillers as per the requirements of the Indiana Department of Natural Resources.
- (c) That any other ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is hereby repealed and/or superseded solely to the extent of such conflict.
- (d) That this Ordinance shall be in full force and effect commencing 90 days from the date of passage, approval and publication in the manner as provided by law.

Section 5. Administrative Enforcement

- (a) The provisions of this Ordinance are binding upon and effective within City of Gary;
- (b) The City of Gary Board of Health is hereby empowered to enforce the provisions of this Ordinance.

PASSED and ADOPTED, by the Common Council of the City of Gary, Indiana, this day of July 3, 2006.

PRESIDING OFFICER

ATTEST:

Suzette Lago
CITY CLERK

Presented by me to the Mayor for his approval and signature this 5th day of July, 2006.

Suzette Lago
CITY CLERK

APPROVED and SIGNED by me this 10th day of July, 2006.

[Signature] MAYOR, CITY OF GARY, INDIANA

PREPARED BY: CITY OF GARY LAW DEPARTMENT (HLC/gs)

SPONSORED BY: Mayor Rudolph Clay, Marilyn D. Krusas, Councilwoman 1st District, Shirley Stanford, Councilman 2nd District, Mary Brown, Councilwoman 3rd District, Caroly D. Rogers, Councilwoman 4th District, Jerome Prince, Councilman 5th District, Ronier Scott, Councilman 6th District, Roy Pratt, Councilman-at-Large, Charles "Chuck" Hughes, Councilman-at-Large, Kyle W. Allen, Sr., Councilman-at-Large

Aquifer: A geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding ground water to wells and springs.

Shallow Unconfined Aquifer: An aquifer in which the permeable media (sand and gravel) starts at the land surface or immediately below the soil profile.

Deeper Confined Aquifer: An aquifer in which the permeable media (sand and gravel) occurs at depth and is located between low permeability media which restricts movement of water vertically in or out of the aquifer.

Drinking Water Standards: The National Primary Drinking Water Regulations are standards established by United States Environmental Protection Agency (USEPA) to control the level of contaminants in the nation's drinking water. These standards are part of the Safe Drinking Water Act.

Contamination: An impairment of water quality by chemicals, biologic organisms, radionuclides, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.

Release: Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.

Person: shall mean any individual, firm, corporation or partnership.

Potable Water: is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption.

Non-Potable Water: is any water used for watering the lawns, washing vehicles and property and does not include the watering of vegetable gardens.

Piped Water Supply: means one or more sources of water, including facilities for conveyance thereof, those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission.

Well: is any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water.

Well Driller: is any individual, partnership, firm or corporation that produces, or contracts to construct a well

COMMITTEE ASSIGNMENT Finance

Reported-out/Date 6/20/06

1st Reading/Date 6/20/06

Committee Hearing/Date 6/27/06

2nd Reading/Date 6/20/06

Public Hearing/Date 7/3/06

3rd Reading/Date 7/3/06

Final Reading/Date —

Passed/Date 7/3/06 Defeated/Date — Deferred/Date —

Tabled/Date — Override/Date — Adopted/Date —

Publication/Date — Community Hearing/Date —

Veto — Pocket Veto — Adopted —